

This letter provides a reference to Form RT-12, Request for Determination of Proper Tax Jurisdiction. This form is used by persons who believes that they are improperly being charged a Simplified Municipal Telecommunications Tax because those persons service addresses are assigned to the wrong taxing jurisdictions. See 35 ILCS 636/5-1 et seq. (This is a GIL.)

April 19, 2004

Dear Xxxxx:

This letter is in response to your letter dated October 23, 2003, in which you request information. We apologize for the delay in responding to your inquiry. The Department issues two types of letter rulings. Private Letter Rulings ("PLRs") are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. A PLR is binding on the Department, but only as to the taxpayer who is the subject of the request for ruling and only to the extent the facts recited in the PLR are correct and complete. Persons seeking PLRs must comply with the procedures for PLRs found in the Department's regulations at 2 Ill. Adm. Code 1200.110. The purpose of a General Information Letter ("GIL") is to direct taxpayers to Department regulations or other sources of information regarding the topic about which they have inquired. A GIL is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120. You may access our website at [www.ILTAX.com](http://www.ILTAX.com) to review regulations, letter rulings and other types of information relevant to your inquiry.

The nature of your inquiry and the information you have provided require that we respond with a GIL. In your letter you have stated and made inquiry as follows:

I have been charged the CITY municipal tax on my cellular phone for the past several years and have had no success on removing it from my bill.

On August 13, 2003 I talked to a XYZ representative, and was told that XYZ adds the municipal tax based on zip code. I live in an unincorporated area and not in the City of CITY. One suggestion was to contact the city and resolve the problem.

On August 29, 2003 I went to the CITY city hall and explained my problem. The city manager was very nice but couldn't resolve my problem and suggested that I call XYZ again and work from there.

I have the feeling that I wasn't getting anywhere with the phone company. Enclosed are two XYZ cellular phone bills that I received this past year. One bill is dated March 19, 2003 and shows the municipal tax as 'LOCAL\* TAX'. The other bill is dated July 18, 2003 and shows the municipal tax as 'CITY Mit' This latest bill was what triggered my interest because of the wording 'CITY Mit'. The previous bill was vague as 'LOCAL\* TAX' and I didn't know what the tax was for.

I checked my other utility bills, telephone, gas and electric and there was no local or CITY Mit tax on them. I should not be paying a municipal tax to a city I do not live in. I also checked my son's ABC phone bill and he has the CITY municipal tax applied to his cellular phone bill also. My son lives in my home.

Could you help resolve my problem? This may be a bigger problem if cellular phone companies apply a city's municipal tax to people living in unincorporated areas and have the zip code of the city they live near. If this is common through out the state, there may be thousands of people affected. There are no zip codes for unincorporated areas.

I would also like a refund of taxes paid to CITY that should not have been applied.

If I can be of any additional help, please let me know.

**DEPARTMENT'S RESPONSE:**

Please find enclosed a Form RT-12, Request for Determination of Proper Tax Jurisdiction. This form is used by persons who believe that they are improperly being charged a Simplified Municipal Telecommunications Tax because their service addresses are assigned to the wrong taxing jurisdictions.

I hope this information is helpful. If you require additional information, please visit our website at [www.ILTAX.com](http://www.ILTAX.com) or contact the Department's Taxpayer Information Division at (217) 782-3336. If you are not under audit and you wish to obtain a binding PLR regarding your factual situation, please submit a request conforming to the requirements of 2 Ill. Adm. Code 1200.110 (b).

Very truly yours,

Terry D. Charlton  
Associate Counsel

TDC:mks  
Encl.